



## Broadcasting Public Notice CRTC 2005-18

Ottawa, 25 February 2005

### **Commission requirements for the pass-through of video description - Call for comments on the obligations of smaller broadcasting distribution undertakings**

*Broadcasters are stepping up their efforts to make programming accessible to persons who are blind or who have a visual impairment by increasing the amount of their programming that is accompanied by video description. The Commission's current regulatory requirements are that all broadcasting distribution undertakings (BDUs) must pass through to subscribers all video description contained in the programming signals they receive from broadcasters. In the case of smaller BDUs, however, the Commission is aware that there are certain technical, operational and cost concerns associated with making the upgrades necessary to enable them to pass such programming signals through to subscribers.*

*Accordingly, the Commission calls for comments on the requirements for the pass-through of programming containing video description that should apply to Class 2 and Class 3 BDUs, whether licensed or exempt, and to multipoint distribution systems (MDS) undertakings.*

### **The importance of description for persons who are blind or who have a visual impairment**

1. Over time, the Commission has placed increasing emphasis on making television services more accessible to persons who are blind or have impaired vision and those who are deaf or hard of hearing. This Commission objective is prescribed in section 3(1)(p) of the *Broadcasting Act*, which states, as part of the broadcasting policy for Canada, that “programming accessible by disabled persons should be provided within the Canadian broadcasting system as resources become available for the purpose.” The importance of achieving increased accessibility also springs from the fact that television is clearly a key tool for social integration. Television is an essential source of information for Canadians, enabling them to involve themselves, knowledgably and effectively, as members of Canadian society. As a vehicle for entertainment, television also allows Canadians to participate in a shared culture and shared social values.
2. In recent years, the Commission's focus has been on the provision of increasing amounts of programming with description as a means of enriching the television experience of persons who are blind or who have a visual impairment. The Commission has called on all television broadcasters to provide improved audio description, defined as the provision of basic voice-overs of textual or graphic information that is displayed on

screen, such as telephone numbers, sports scores or weather information. The accompanying voice-over allows persons who are blind or have a visual impairment to access and benefit from such information. Audio description requires no special equipment.

3. Increasingly, the Commission has also called upon broadcasters to provide programming containing video description (described video programming). This is programming accompanied by a narrative description of the program's key visual elements for the purpose of allowing persons who are blind or have a visual impairment to understand what is occurring on the screen. Thus, in providing video description for a program, a narrator offers information on such visual cues as settings, costumes, body language, or other purely visual information. Video description is generally presented on a secondary audio program (SAP) channel. However, not all broadcasting distribution undertakings (BDUs) have made the technical upgrades that would allow them to pass through this video description to their subscribers.

### **The status of described video programming in Canada**

4. Described video programming was first introduced by the public broadcaster in the United States, PBS, in the early 1990s as a way to improve the accessibility of television programming to persons who are blind or have visual impairments. As early as 1992, in the preamble to decisions renewing the licences of several French-language television stations,<sup>1</sup> the Commission began to signal its interest in the implementation of video description in Canada. In *Additional National Television Networks - A Report to the Government of Canada Pursuant to Order in Council P.C. 1997-592*, Public Notice CRTC 1998-8, 6 February 1998, the Commission noted its support for the development and gradual implementation of described programming. This support was reiterated in *Building on Success – A Policy Framework for Canadian Television*, Public Notice CRTC 1999-97, 11 June 1999, in which the Commission strongly encouraged television licensees to adapt their programming to include audio description wherever appropriate. While the Commission concluded, at the time, that it was premature to impose specific requirements for video description, it encouraged the industry to effect its gradual implementation, and stated that it would explore progress in the context of forthcoming licence renewals. This incremental approach is designed to serve as an opportunity for broadcasters and distributors to acquire the capacity to deliver described video over time, and to incorporate the associated costs into their regular upgrades.
5. Currently, most television broadcasters are expected, at a minimum, to acquire and broadcast described video programming wherever possible. In decisions renewing the licences of conventional television stations operated by the largest multistation ownership groups<sup>2</sup> in 2001 and 2002, the Commission also required stations, by condition of licence, to provide minimum levels of described video programming that

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<sup>1</sup> *Private French-Language Television*, Public Notice CRTC 1992-53, 13 August 1992.

<sup>2</sup> The largest multistation ownership groups, as defined in *Building on success – A policy framework for Canadian television*, Public Notice CRTC 1999-97, 11 June 1999, are those with conventional television stations licensed to operate in several provinces and with a potential reach of more than 70% of the audience in their language of operation.

would increase over time. More recently, the Commission has imposed similar conditions of licence on certain specialty services. The appendix to this notice sets out these requirements and the stations and services to which they apply.

6. With respect to the obligations of BDUs, section 7 of the *Broadcasting Distribution Regulations* (the Regulations) states that “a licensee shall not alter or delete a programming service in a licensed area in the course of its distribution”, except in certain circumstances or for certain purposes. One of the exceptions, specified in section 7(f), is where the alteration is “for the purpose of deleting a subsidiary signal, unless the signal is, itself, a programming service or is related to the service being distributed.” The Commission has already determined that described video is related to the service being distributed. This was stated explicitly in the public notice that introduced the Regulations in 1997 (*Broadcasting Distribution Regulations*, Public Notice CRTC 1997-150, 22 December 1997). Accordingly, except as otherwise required or authorized under a condition of its licence, a licensed BDU is required by the Regulations to pass through to its subscribers all described video programming. This same obligation is contained in the exemption orders for cable BDUs with 6,000 subscribers or fewer.<sup>3</sup>

### **The capacity of BDUs to pass through described programming to subscribers**

7. The Commission is aware that there are a number of challenges associated with the ability of certain distributors to receive described video programming from broadcasters and to then pass it through to their subscribers (end-to-end delivery). Although the obligation to distribute described video programming has been in place since 1997, some BDUs have not yet acquired the technical capability to do so and now face substantial costs to fulfil their obligations in this regard. In addition to the cost, there are various other considerations. In May 2002, the Canadian Satellite Users Association (CSUA) wrote to the Commission to outline a number of issues that face the industry in the end-to-end delivery of programming with video description. These issues include the ability of receiver/decoder equipment at cable head ends to support secondary audio program signals and the bandwidth capacity, particularly of satellite and multipoint distribution systems (MDS) undertakings, to carry secondary audio program channels.
8. The CSUA continues to play a leadership role in the exploration of practicable solutions to the technical and operational problems associated with the pass-through of described video programming. It has undertaken a number of projects, including the organization of special seminars and panel sessions, as well as the solicitation of detailed information from its members and related companies on the technical and cost challenges of distributing video description. The CSUA’s request to its members and related

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<sup>3</sup> *Exemption order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers; and Amendment to the Broadcasting Distribution Regulations*, Broadcasting Public Notice CRTC 2004-39, 14 June 2004, and *Exemption order respecting cable systems having fewer than 2,000 subscribers*, Public Notice CRTC 2001-121, 7 December 2001.

companies produced useful information on a number of issues. This information pointed towards the benefits of a coordinated and phased-in approach to meeting these challenges. The Commission thanks the CSUA for its ongoing efforts in this area.

9. To better understand the technical and operational issues highlighted by the CSUA, and in response to complaints from viewers unable to access described video programming, Commission staff wrote to such major Canadian cable operators as Cogeco Cable Inc. (Cogeco), Rogers Cable Inc. (Rogers), Shaw Communications Inc. (Shaw), and Quebecor Media Inc. (Quebecor), to explore the capacity of cable operators to pass through described video programming to their subscribers. The responses of these parties, and of their industry association, the Canadian Cable Telecommunications Association (CCTA), indicated that there are technical, operational, and cost issues associated with the pass-through of described video programming that vary depending on how the signal is received from the broadcaster, the equipment available at the cable head end, and the format of the broadcaster's signal, i.e., analog or digital.
10. In the case of analog television signals received by BDUs over-the-air, the secondary audio signal containing the video description is embedded in the broadcast signal. In their correspondence with Commission staff, cable operators informed the Commission that, if the proper equipment is in place, a BDU operator can easily pass through described video programming to its subscribers. The cable operators also reported that the proper equipment to pass through described video programming is in place for the vast majority of the analog signals that are received over-the-air. Where this is not the case, however, these cable operators stated that cable BDUs would need to make system upgrades at a cost of approximately \$3,500 per signal per head end. They also stated that there may be additional costs associated with simultaneous substitution.
11. The cable operators further reported that, where a cable BDU receives an analog signal directly from the broadcaster, for example via fibre, it would require reception equipment that supports the secondary audio signal in order to pass through described video programming to subscribers. In some cases, the cable BDU would only need to replace existing software, while in other cases, replacement of both hardware and software would be necessary. According to the cable operators, the estimated hardware costs are between \$3,000 and \$4,000 per signal and software costs are between \$400 and \$2,000 per signal. Some cable operators reported that they have already acquired the capacity to deliver described video programming via direct feed and will not require any further upgrades.
12. The cable operators also reported that, for a cable BDU to receive and pass through described video programming contained in signals received via satellite, it must purchase receiving equipment at a cost of between \$1,500 and \$4,000 per signal.
13. According to the cable industry, the costs associated with the digital distribution of video description are less than those associated with its analog distribution. The principal challenge in a digital environment appears to be channel capacity. As the CCTA noted in correspondence with staff, the introduction of digital distribution technology means that

“cable will have the ability to pass through a broadcaster’s digital signal with its stereo audio and DVS [described video] program seamlessly and at no or very little direct equipment cost. The additional cost borne by distributors is attributed to the capacity requirements (192 kbps) associated with the DVS program for each and every programming service.” In the same correspondence, the CCTA noted that its membership “is prepared to make a commitment whereby it will pass [through] all DVS programs [provided by] all conventional, pay and specialty services when the services transition to full digital distribution on cable.” For their part, Cogeco and Rogers affirmed that it was their commitment to pass through described video programming on a digital basis when conventional and specialty services complete their full transition to digital. Shaw indicated that it would be able to distribute described video programming “for all conventional, specialty and pay services that are currently received and distributed on a digital basis.”

14. Concurrently, the Commission explored the capacity of direct-to-home (DTH) satellite and MDS operators to pass through described video programming to their subscribers in the context of their licence renewals in 2004. Given the existing capacity constraints of MDS operators, they are not able to distribute video description, or any other additional information contained in secondary audio program channels, unless they first remove non-broadcast or non-priority services from the packages of services that they currently distribute to subscribers. In the case of DTH operators, the increased demand on bandwidth capacity also remains a major issue, as does the cost of upgrading the compression and uplink hardware. In addition, DTH operators have difficulty including described video programming in the compressed audio/video signal, as some of the hardware currently in use removes subsidiary signals, including video description, before compression.
15. Notwithstanding these difficulties, many distributors are now passing through described video programming to their subscribers. For example, Quebecor indicated that it would have the ability to pass through described video programming by 15 October 2003. Cogeco indicated that it could pass through described video programming on its systems with more than 20,000 subscribers. Rogers indicated that its Class 1 systems in Ontario and New Brunswick are generally able to pass through video description. Notwithstanding the technical difficulties faced by satellite operators, Bell ExpressVu<sup>4</sup> has been able to find a creative solution by producing for distribution on its DTH undertaking virtual channels that are dedicated to described video programming. The other DTH licensee, Star Choice Television Network Incorporated, has not been able to offer such virtual channels because of the way that its DTH system is configured.

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<sup>4</sup> Bell ExpressVu Inc., (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership

## **The CCTA's proposed implementation framework**

16. In its correspondence with Commission staff, the CCTA proposed the following implementation framework for its members:
- All Class 1 cable BDUs serving 20,000 or more subscribers would, within a reasonable timeframe, commit to providing analog described video over the secondary audio programming channel to permit the pass-through of described video programming produced by the top four English- and/or French-language private conventional broadcasters operating in the ten largest Canadian markets;
  - Such BDUs would have six months to implement any technical upgrades needed to allow them to pass through video description to subscribers;
  - Remaining Class 1 cable BDUs, and Class 2 and Class 3 cable BDUs, would be relieved of their regulatory obligations to pass through analog described video signals, except where the conventional broadcast signal is received over-the-air and the cable head end has the necessary receiver equipment in place to process the signal from an off-air frequency to a different cable channel frequency; and
  - Once conventional stations complete the transition to digital, cable BDUs distributing their digital signals would commit to pass through all of the described video programming that the stations provide.

## **The Commission's analysis and determinations**

17. The Commission finds that the CCTA's proposal does not go far enough in providing service to persons who are blind or have a visual impairment. Rather, the proposal simply reflects the status quo and focuses only on the four largest conventional stations in the ten largest markets. The CCTA's proposal also fails to take into account the described video programming that specialty services provide, whether by condition of licence, as a result of Commission expectations, or on a voluntary basis. Nor does the proposal make any provision for an increase in the distribution of described video programming until the transition to digital is completed, or address the distribution of described video programming provided by non-Canadian services. Further, in the Commission's view, the proposal fails to reflect that distributors have been well aware of their obligations for some time and that broadcasters have now been providing programming with video description for three years.
18. At the same time, the Commission is sensitive to the technical, operational and cost issues associated with making the necessary equipment upgrades to permit the pass-through of described video programming. In fact, it was this concern that prompted the Commission to delay the implementation of conditions of licence pertaining to video description until September 2005 for certain of the specialty services renewed in 2004. As stated in *Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services*, Broadcasting Public Notice CRTC 2004-2,

21 January 2004, such a timetable was for the purpose of allowing BDUs “to make whatever system upgrades they require in order that they may pass described video through to their subscribers.”

19. The reality is that, in the short term, most BDUs require technical upgrades associated with the distribution of only a few services, such as those of local television stations that have implemented described video programming in response to conditions of licence, and certain other Canadian and non-Canadian services that provide described video programming in their schedules. Furthermore, many BDUs already distribute at least some of the described video programming signals currently available. On a going forward basis, the cost impact of acquiring the capacity to pass through described video signals can be minimized by incorporating these costs into a BDU’s regular system upgrade expenditures.
20. In light of the technical, operational and cost concerns associated with upgrading the systems of smaller cable BDUs to permit the pass-through of described video signals, the Commission will also examine whether or not it would be appropriate to change the obligations for Class 2 and Class 3 cable systems, whether licensed or exempt.
21. The Commission notes the particular operational and technical difficulties associated with the provision of described video signals by MDS BDUs. Given the spectrum limitations of MDS BDUs, existing services may have to be removed to make distribution space available for described video signals. Furthermore, MDS BDUs may find the hardware expenses associated with distributing all described video programming a burden. Accordingly, the Commission has decided to examine whether or not it would be appropriate to change the obligations with respect to the distribution of video description by MDS operators.
22. However, the Commission reminds BDUs of their responsibility under the Regulations to pass through described video programming to their subscribers. Specifically, the Commission emphasizes that Class 1 and DTH BDUs that have not already done so must upgrade their systems to permit them to pass through the signal of each television service that is providing described video programming. Television broadcasting licensees that do not currently include any described video programming in their schedules, but intend to do so, should notify BDUs of their plans at least six months in advance of implementing these plans. This will provide BDUs with sufficient time to acquire any equipment necessary to pass through this new described video programming to subscribers.

### **Call for comments**

23. The Commission considers it an appropriate objective that all BDUs eventually pass through all described video programming to their subscribers. In this context, the Commission now asks the following questions regarding the most appropriate approach to achieving that objective in the case of all licensed Class 2 and Class 3 cable BDUs, MDS operators, and exempt BDUs:

- What would be the impact if the Commission were to require all BDUs, licensed and exempt, to distribute all described video programming by a deadline of 1 September 2008?
  - Should exempt BDUs be subject to the same obligations and deadline as licensed BDUs?
  - Should Class 3 BDUs be subject to the same obligations and deadline as Class 2 BDUs?
  - Should the obligations of BDUs owned by the largest multiple system operators, specifically Rogers, Shaw, Videotron or Cogeco, differ from the obligations of other BDU licensees?
  - Given the bandwidth constraints of MDS technology, should MDS BDUs have obligations that differ from those of other classes of BDUs?
  - Should obligations for the distribution of video description take into account the source of the programming? For example, should local, over-the-air signals take precedence over distant signals?
  - Should any new approach adopted by the Commission be implemented through amendments to individual conditions of licence or via amendments to the regulations?
24. The Commission invites comments that address the issues and questions set out in this notice, as well as any related matters. The Commission will accept comments that it receives on or before **19 April 2005**.
25. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

### **Procedures for filing comments**

Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**  
[Broadcasting Intervention/Comments Form](#)

OR

- **by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**  
(819) 994-0218

26. Submissions longer than five pages should include a summary.
27. Please number each paragraph of your submission. In addition, please enter the line \*\*\*End of document\*\*\* following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.
28. The Commission will make comments filed in electronic form available on its web site at [www.crtc.gc.ca](http://www.crtc.gc.ca) but only in the official language and format in which they are submitted. Such comments may be accessed in the *Public Proceedings* section of the CRTC web site. Copies of all comments, whether filed on paper or in electronic form, will also be placed on the public examination file.
29. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

**Examination of public comments and related documents at the following Commission offices during normal business hours**

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room G-5  
Gatineau, Quebec K1A 0N2  
Tel: (819) 997-2429 - TDD: 994-0423  
Fax: (819) 994-0218

Metropolitan Place  
99 Wyse Road  
Suite 1410  
Dartmouth, Nova Scotia B3A 4S5  
Tel: (902) 426-7997 - TDD: 426-6997  
Fax: (902) 426-2721

205 Viger Avenue West  
Suite 504  
Montréal, Quebec H2Z 1G2  
Tel: (514) 283-6607

55 St. Clair Avenue East  
Suite 624  
Toronto, Ontario M4T 1M2  
Tel: (416) 952-9096

Kensington Building  
275 Portage Avenue  
Suite 1810  
Winnipeg, Manitoba R3B 2B3  
Tel: (204) 983-6306 - TDD: 983-8274  
Fax: (204) 983-6317

Cornwall Professional Building  
2125 - 11<sup>th</sup> Avenue  
Room 103  
Regina, Saskatchewan S4P 3X3  
Tel: (306) 780-3422

10405 Jasper Avenue  
Suite 520  
Edmonton, Alberta T5J 3N4  
Tel: (780) 495-3224

530-580 Hornby Street  
Vancouver, British Columbia V6C 3B6  
Tel: (604) 666-2111 - TDD: 666-0778  
Fax: (604) 666-8322

Secretary General

*This document is available in alternative format upon request and may also be examined in PDF format or HTML at the following Internet site: <http://www.crtc.gc.ca>*

## Appendix to Broadcasting Public Notice CRTC 2004-18

### Minimum levels of described video programming (hours per week) required by condition of licence

Corporate Group	Market	Call sign	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009
CHUM	Barrie and Parry Sound	CKVR-TV				3	3	4	4	4
Craig	Brandon, Foxwarren, Melita and McCreary	CKX-TV			2	2	4	4	4	4
Craig	Calgary and Lethbridge	CKAL-TV			2	2	4	4	4	4
Global	Calgary	CICT-TV			3	3	4	4	4	
CTV	Calgary and Lethbridge	CFCN-TV			3	3	4	4	4	
Craig	Edmonton and Red Deer	CKEM-TV			2	2	4	4	4	4
CTV	Edmonton, Whitecourt, Ashmont and Red Deer	CFRN-TV			3	3	4	4	4	
Global	Edmonton and Red Deer	CITV-TV			3	3	4	4	4	
CTV	Halifax	CJCH-TV			3	3	4	4	4	
Global	Halifax and Saint John	CIHF-TV			3	3	4	4	4	
Global	Hamilton	CHCH-TV	2	2	3	3	4	4	4	
Global	Kamloops	CHKM-TV			3	3	4	4	4	
Global	Kelowna	CHKL-TV			3	3	4	4	4	
CTV	Kitchener and Oil Springs	CKCO-TV			3	3	4	4	4	
Global	Lethbridge	CISA-TV			3	3	4	4	4	
CHUM	London	CFPL-TV				3	3	4	4	4
CTV	Moncton	CKCW-TV			3	3	4	4	4	
CTV	Montréal	CFCF-TV			2	3	3	4	4	
CTV	North Bay	CHNB-TV			3	3	4	4	4	
CTV	North Bay and Huntsville	CKNY-TV			3	3	4	4	4	
CTV	Ottawa	CJOH-TV		2	3	3	4	4	4	
Global	Paris (Toronto)	CIII-TV	2	2	3	3	4	4	4	
CHUM	Pembroke and Ottawa	CHRO-TV				3	3	4	4	4
Craig	Portage La Prairie and Winnipeg	CHMI-TV			2	2	4	4	4	4
CTV	Prince Albert	CIPA-TV			3	3	4	4	4	
CTV	Prince Albert	CKBI-TV			3	3	4	4	4	
Global	Prince George	CIFG-TV			3	3	4	4	4	
Global	Québec	CKMI-TV		2	3	3	4	4	4	
Global	Red Deer	CKRD-TV			3	3	4	4	4	
CTV	Regina	CKCK-TV			3	3	4	4	4	
Global	Regina	CFRE-TV			3	3	4	4	4	
CTV	Saint John	CKLT-TV			3	3	4	4	4	
CTV	Saskatoon	CFQC-TV			3	3	4	4	4	
Global	Saskatoon	CFSK-TV			3	3	4	4	4	
CTV	Sault Ste. Marie	CHBX-TV			3	3	4	4	4	
CTV	Sault Ste. Marie	CJIC-TV			3	3	4	4	4	

<b>Corporate Group</b>	<b>Market</b>	<b>Call sign</b>	<b>2001/ 2002</b>	<b>2002/ 2003</b>	<b>2003/ 2004</b>	<b>2004/ 2005</b>	<b>2005/ 2006</b>	<b>2006/ 2007</b>	<b>2007/ 2008</b>	<b>2008/ 2009</b>
CTV	Sudbury	CICI-TV			3	3	4	4	4	
CTV	Sudbury	CKNC-TV			3	3	4	4	4	
CTV	Sydney	CJCB-TV			3	3	4	4	4	
CTV	Timmins	CFCL-TV			3	3	4	4	4	
CTV	Timmins	CITO-TV			3	3	4	4	4	
CHUM	Toronto, Woodstock and Ottawa	CITY-TV		2	2	3	3	4	4	4
CTV	Toronto	CFTO-TV	2	2	3	3	4	4	4	
CHUM	Vancouver and Courtenay	CKVU-TV				3	3	4	4	4
CTV	Vancouver	CIVT-TV		2	3	3	4	4	4	
Global	Vancouver	CHAN-TV		2	3	3	4	4	4	
CHUM	Vancouver	CIVI-TV				3	3	4	4	4
Global	Victoria	CHEK-TV			3	3	4	4	4	
CHUM	Wheatley and Windsor	CHWI-TV				3	3	4	4	4
CHUM	Wingham	CKNX-TV				3	3	4	4	4
Global	Winnipeg	CKND-TV			3	3	4	4	4	
CTV	Yorkton	CICC-TV			3	3	4	4	4	
CTV	Yorkton	CKOS-TV			3	3	4	4	4	

<b>Specialty Services</b>	<b>2003/ 2004</b>	<b>2004/ 2005</b>	<b>2005/ 2006</b>	<b>2006/ 2007</b>	<b>2007/ 2008</b>	<b>2008/ 2009</b>	<b>2009/ 2010</b>
Comedy Network, The			2	2	2	3	3
History Television			2	2	2	3	3
Prime TV			2	2	2	3	3
Space: The Imagination Station			2	2	2	3	3
Teletoon / Télétoon			2	2	2	3	3
Treehouse TV			2	2	2	3	3